

Senate File 2270

H-8443

1 Amend Senate File 2270, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. NEW SECTION. 91F.1 Short title.

6 This chapter shall be known and may be cited as the
7 "*Family Friendly Workplace Act*".

8 Sec. 2. NEW SECTION. 91F.2 Definitions.

9 1. "*Employer*" means a person engaged in a business
10 that has one or more employees and also includes the
11 state of Iowa, a department or agency thereof, and any
12 political subdivision of the state.

13 2. "*Reasonable efforts*" means any effort that would
14 not impose an undue hardship on the operation of the
15 employer's business.

16 3. "*Undue hardship*" means any action that requires
17 significant difficulty, compromises the safety of other
18 employees, requires temporary facility closure, or
19 results in expenditures exceeding five hundred dollars,
20 exclusive of the costs of additional labor or unpaid
21 leave costs.

22 Sec. 3. NEW SECTION. 91F.3 Right to express breast
23 milk in workplace — private location.

24 1. An employer shall provide reasonable unpaid
25 break time or permit an employee to use paid break
26 time, meal time, or both, each day, to allow the
27 employee to express breast milk for the employee's
28 nursing child for up to two years after the child's
29 birth.

30 2. The employer shall make reasonable efforts
31 to provide a place, other than a toilet stall, which
32 is shielded from view and free from intrusion from
33 coworkers and the public, that may be used by an
34 employee to express breast milk in privacy.

35 3. The department of workforce development shall
36 provide on its internet site information and links
37 to other internet sites where employers can access
38 information regarding methods to accommodate employees
39 who express breast milk in the workplace. The
40 department shall consult with appropriate organizations
41 or associations to determine the appropriate
42 information and internet site links so as to provide
43 employers with the most accurate and useful information
44 available.

45 4. a. An employee shall provide notice to an
46 employer of the employee's need for time and a location
47 to express breast milk at least sixty days prior to the
48 anticipated date that the employee will give birth.

49 b. If an employee gives birth more than sixty days
50 prior to the employee's anticipated date of delivery,

1 or the employee is hired while breast-feeding, the
2 employee shall notify the employer within a reasonable
3 time about the employee's need for time and a location
4 to express breast milk.

5 5. a. At least thirty days prior to the
6 anticipated date that the employee will give birth,
7 the employer and employee shall establish a written
8 agreement pursuant to the provisions in this section.
9 The agreement shall be signed by the employer or
10 the employer's designee and the employee and shall
11 be notarized by a third party, who may be another
12 employee of the employer. A copy of the agreement
13 shall be given to the employee and a copy placed in the
14 employee's personnel file.

15 b. If an employee gives birth more than thirty days
16 prior to the employee's anticipated date of delivery,
17 or the employee is hired while breast-feeding, the
18 employer and employee shall establish a written
19 agreement pursuant to the provisions of this section
20 as soon as practicable. The agreement shall be signed
21 by the employer or the employer's designee and the
22 employee and shall be notarized by a third party, who
23 may be another employee of the employer. A copy of the
24 agreement shall be given to the employee and a copy
25 placed in the employee's personnel file.

26 c. If an employer and employee are unable to agree
27 on the amount of time, the location, or both for the
28 employee to express breast milk, the employee may file
29 a written or electronic complaint using a form provided
30 by the Iowa civil rights commission on its internet
31 site.

32 **Sec. 4. NEW SECTION. 216.6B Employment**
33 **accommodation — expressing breast milk.**

34 1. It shall be the responsibility of the commission
35 to investigate and issue civil penalties and remedies,
36 relating to the provisions of section 91F.3 pertaining
37 to the right of an employee to express breast milk
38 in the workplace, as appropriate pursuant to section
39 216.15C.

40 2. The commission shall develop a complaint form
41 to be available on the commission's internet site that
42 pertains to the right of an employee to express breast
43 milk in the workplace, pursuant to section 91F.3.

44 **Sec. 5. NEW SECTION. 216.15C Investigation and**
45 **hearing — expressing breast milk in the workplace.**

46 1. Upon receipt by the commission of a completed
47 and signed complaint form from an aggrieved employee
48 pursuant to section 216.6B, an authorized member of
49 the commission shall commence an investigation within
50 five days of receiving the complaint. The commission's

1 investigation is not to be construed as a contested
2 case as defined in section 17A.2.

3 2. The investigating member of the commission shall
4 provide notice in writing using regular or electronic
5 mail to the employer of the allegations contained in
6 the complaint and shall request a response from the
7 employer within ten days from the date of notice. This
8 period may be extended by the investigating member of
9 the commission for good cause.

10 3. If the employer fails to respond to the
11 investigating member of the commission's request for
12 response within the established time, the investigating
13 member of the commission may determine the employee's
14 claim to be enforceable.

15 4. If the employer answers the investigating
16 member of the commission's request for response
17 within the established time, the investigating
18 member of the commission shall notify the aggrieved
19 employee in writing using regular or electronic mail
20 of the employer's response and afford the employee
21 an opportunity to present additional information
22 in support of the employee's complaint pursuant to
23 section 91F.3. The employee shall submit the requested
24 additional information within ten days from the
25 date of notice. This period may be extended by the
26 investigating member of the commission for good cause.

27 5. Upon receipt of the requested additional
28 information from the employee, the commission may
29 determine additional information is required from the
30 employer and shall provide notice in writing using
31 regular or electronic mail to the employer of the
32 request and require a response within ten days from the
33 date of notice.

34 6. The members of the commission and its staff
35 shall not disclose the filing of a complaint or the
36 information gathered during the investigation, unless
37 such disclosure is made in connection with the conduct
38 of such investigation.

39 7. a. Within five days upon receipt of all
40 requested information, the investigating member of
41 the commission may determine the employee's complaint
42 to be enforceable and the commission shall notify
43 the employer in writing using regular or electronic
44 mail of that determination. Should the investigating
45 member of the commission determine that the complaint
46 is unenforceable, the commission shall so notify the
47 employee in writing using regular or electronic mail.
48 The determination constitutes final agency action.

49 b. Upon determination that a complaint pursuant
50 to section 91F.3 is enforceable, the commission

1 shall notify the employer in writing using regular or
2 electronic mail of that determination and afford the
3 employer an opportunity to comply with the provisions
4 of section 91F.3 within ten days of the date of notice
5 prior to initiating judicial proceedings.

6 c. After the employer has received notice of the
7 decision and the ten-day compliance period has expired,
8 the commission may also impose a minimum civil penalty
9 of one hundred dollars and a maximum civil penalty of
10 five hundred dollars for each day that the respondent
11 was not in compliance with section 91F.3 and each day
12 the respondent remains out of compliance with section
13 91F.3 as ordered by the commission. The maximum
14 civil penalty shall be assessed only if the commission
15 determines that the respondent has been found in
16 violation of section 91F.3, subsections 1 and 2. The
17 aggregate civil penalty assessed shall not exceed five
18 thousand dollars. Civil penalties collected pursuant
19 to this paragraph shall be deposited in the general
20 fund of the state.

21 8. The commission shall establish rules to govern,
22 expedite, and effectuate the procedures established by
23 this section and its own actions thereunder.>

24 2. Title page, line 3, after <milk> by inserting <,
25 and providing penalties and remedies>

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